

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RAINBOW POPCORN COMPANY,)	
)	
Plaintiff,)	7:06CV5015
)	
v.)	
)	
INTERGRAIN SPECIALTY)	ORDER
PRODUCTS, ALMCO, and JOHN)	
WALTHALL,)	
)	
Defendants.)	
_____)	

This matter is before the court for determination of place of trial. Defendant has requested trial in Omaha, Nebraska. Plaintiff has requested trial in North Platte.

Having reviewed the request and having given consideration to the convenience of the litigants, witnesses, and counsel, as required by NELR 40.1(a)(1)(D), the court finds that North Platte, Nebraska, should be designated as place of trial.

IT THEREFORE HEREBY IS ORDERED,

1. Plaintiff's request for trial at North Platte is granted.
2. Defendant's motion for trial in Omaha, incorporated in their answer, filing 11, and docketed as filing 17, is denied.
3. Trial will be held in North Platte, Nebraska and the case calendared accordingly.

DATED this 21st day of July, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge